THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 25940 of 2006

Date:03-04-2007

Between:

Arcot Selva Raj .. **PETITIONER**

AND

The Govt. of A.P. and seven others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the respondents 1 to 5 in not investigating the Crime No.273 of 2006 of Nellore Rural Police Station against the respondents 6 to 8 as illegal and arbitrary.

2. The case of the petitioner is that pursuant to the complaint lodged by him alleging that a cognizable offence has been committed by the respondents 6 to 8, the 5th respondent registered the case in Crime No.273 of 2006 for the offences under Section 447 of Indian Penal Code and Sec. 3(1)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the respondents 6 to 8. But, the investigation has not been completed so far. It is stated that the investigation must be completed as far as possible within a period of 30 days, and there is no justification on the part of the official respondents in not completing the investigation and filing the charge sheet before the concerned Court.

3. A counter has been filed by the 4th respondent stating that he was on medical leave from 18.10.2006 to 11.11.2006 and therefore there is a delay in causing the investigation. It is further stated that earlier case in Crime No.49 of 1998 on the file of Nellore Police Station registered against one Sajidabee and two others was ended in acquittal in S.C.No.100 of 2001 on the file of the Special Judge for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Nellore.

4. I am of the opinion that merely because the earlier case ended in acquittal, there is no justification in not completing the investigation.

5. Having regard to the facts of the case, the respondents 4 and 5 are directed to complete the investigation within four weeks

from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

V.ESWARAIAH, J.

Date:03.04.2007
CCM